



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,094	07/01/2003	Isaac Weiser	03-11987	5817

25189 7590 10/25/2006  
CISLO & THOMAS, LLP  
233 WILSHIRE BLVD  
SUITE 900  
SANTA MONICA, CA 90401-1211

EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,094	WEISER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ernesto Garcia	3679	

All participants (applicant, applicant's representative, PTO personnel):

(1) Ernesto Garcia. (3) \_\_\_\_\_.

(2) May Lin DeHaan. (4) \_\_\_\_\_.

Date of Interview: 20 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 4 and 10.

Identification of prior art discussed: Higdon, 5,375,363, and Moore, 5,716,161.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Ms. DeHaan expressed concern on the proposed amendment to claim 10 and wanted feedback on whether the change overcomes the 112 rejection. The examiner agreed that the removal of "detached" makes claim 10 proper. Ms. DeHaan argued against the combination of Higdon and Moore. She argued that the spring is not configured in an L-shaped configuration. The examiner disagreed and explained that the spring tends to form different configuration since the spring is flexible and pulled by a string. The examiner explained that the spring tends to form a curved shape almost defining an L-shape configuratoin, and when the cable further pulls the coil, the coil forms a U-shape. Thus, in the transition, the spring had to form an L-shaped configuration. Later, Ms. DeHaan proposed amending claim 4 by introducing the location of the barrier in the post relative to the coil spring. The examiner agreed that if the barrier was recited to be located between the two portions of the L-shape configuration of the coil spring then the change overcomes the rejection. The examiner concluded that the change most likely would place the claim in condition for allowance and that a further search and/or consideration would be conducted to finalize the allowance .

Attorney Docket No. 06-17242

 PTOL-413A (05-03)  
 Approved for use through xx/xx/xxxx. CIVS 0681-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

 Application No.: 10 / 612,094 First Named Applicant: WEISER, Isaac  
 Examiner: GARCIA, Ernesto Art Unit: 3679 Status of Application: Pending
**Tentative Participants:**

 (1) May Lin DeHaan (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

 Proposed Date of Interview: 10/19/2006 Proposed Time: 11:00 AM PT  
(2:00 PM ET) (AM/PM)

**Type of Interview Requested:**

 (1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

 Exhibit To Be Shown or Demonstrated: ☐ YES ☐ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) Obj on grounds of informalities	4 and 10		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rej. under 35 USC sec. 112	4-7; 9-11		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(3) Rej. under 35 USC	4; 9-11	Higdon (US5375363); Moore (US5716161); Del Mas (US27603093);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Rej. under 35 USC 103(a)	5-7	Higdon (US5375363); Moore (US5716161); Del Mas (US27603093); Polk (US2782222)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

☐ Continuation Sheet Attached


**Brief Description of Arguments to be Presented:**
Follow up allowable subject matter


 An interview was conducted on the above-identified application on 10/20/06.

**NOTE:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

  
 (Applicant/Applicant's Representative Signature)  
 May Lin DeHaan, Reg No. 42,472

  
 (Examiner/SPE Signature)

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND PERS OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PATENT**

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Serial No.: 10/612,094

Applicants: WEISER, Isaac, et al.

Filing Date: July 1, 2003

Title: PLASTIC CONNECTOR FOR CONNECTING PARTS AND  
METHOD THEREFOR

TC/AU: 3679

Confirmation No.: 5817

Examiner: GARCIA, Ernesto

Docket No.: 03-11987

**MAIL STOP: AMENDMENT**

Commissioner for Patents

Post Office Box 1450

Alexandria, Virginia 22313-1450

**PLEASE DO NOT ENTER****INFORMAL RESPONSE TO OFFICE ACTION  
UNDER 37 C.F.R. § 1.111**

To the Commissioner:

This document is an Informal Response to the Office Action dated September 11, 2006.  
The Applicants are hereby respectfully requesting favorable consideration of the following  
proposed amendment and remarks under 37 C.F.R. § 1.111.

**AMENDMENT****Amendments to the Specification:** none.**Amendments to the Claims** are reflected in the complete listing of claims which begins on  
page 2 of this paper.**Amendments to the Drawings:** none.**Remarks/Arguments** begin on page 6 of this paper.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

Amendments to the Claims:

The following complete listing of claims will replace all prior versions, and listings, of the claims in the application. Kindly amend Claims 4 and 10 as follows. No new matter has been introduced.

Listing of Claims:

1. (withdrawn) A connecting structure, comprising:
  - 2 a post with a first end, middle portion, and a second end; and
  - 4 a plurality of prongs flexibly connected to said first end, extending away from said post and toward said second end in a generally V-shape configuration and an abutment stop intermediate said middle portion and said second end.
2. (withdrawn) The connecting structure of Claim 1, wherein said plurality of prongs are
  - 2 configured to extend through an aperture and expand to a width larger than the aperture.
3. (withdrawn) The connecting structure of Claim 2, wherein said second end is adapted
  - 2 to be received by a coil spring that is adjacent to said second end of said post.
4. (currently amended) A novelty system comprising:
  - 2 a body having a plurality of apertures;
    - 4 one or more appendages corresponding to one or more said plurality of apertures and
    - 6 for securement to project in a displaceably suspended manner from said body, each said appendage including at least one flexible connecting member, the at least one flexible
    - 8 connecting member comprising a coil spring;
      - 2 a connecting structure that secures said one or more appendages to said body, the
      - 4 connecting structure comprising a post with a first end, a middle portion, and a second end,
      - 6 and a plurality of securing prongs flexibly coupled to the first end of said post and adapted to

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docker No. 03-11987

10 be inserted through said plurality of apertures and retained therein, said securing prongs  
extending elastically towards said body to terminate at respective termini for engagement  
12 therewith, and the plurality of securing prongs extending away from said post and toward the  
second end of said post, one end of said flexible connecting member connected to said  
14 connecting structure and another end connected to said appendage[[: and]],

[[a]] the coil spring [[for]] facilitating displaceable suspension of the appendage in  
16 relation to the body, the coil spring further comprising an L-shaped configuration, the post  
being coaxially inserted into a first end of the coil spring, and the post further comprising a  
18 barrier for stopping removal of the coil spring from the post.

5. (previously presented) The novelty system of Claim 4, wherein said one or more  
2 appendages comprises a wing structure.

Claim 6 (canceled)

7. (currently amended) The novelty system of Claim [[6]] 4, wherein said one or more  
2 appendages comprise an enclosure for facilitating its securing to said second end of said  
connecting structure.

Claim 8 (canceled)

9. (previously presented) The novelty system of Claim 7, wherein said connecting  
2 member has a spring constant that allows the one or more appendages to be freely movable  
with respect to said body responsive to wind actuation.

10. (currently amended) A kit for constructing a novelty comprising:  
2 a plurality of ~~detached~~ novelty portions combinable for shipping said novelty in at least  
a partially unassembled form, said novelty portions comprising a body with apertures for  
4 receiving connecting structures, one or more appendages including at least one flexible



## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

connecting member comprising a coil spring extending therefrom, and connecting structures  
6 for facilitating connection of said appendages to said body by connecting one end of said  
flexible connecting member to one of said connecting structures and connecting another end to  
8 said body,

said one or more appendages being securable upon assembly of said novelty to project  
10 in a displaceably suspended manner from said body by operatively connecting said connecting  
structures with said apertures of said body, each said connecting structure comprising a post  
12 and a plurality of securing prongs flexibly coupled to a first end of each said connecting  
structure to extend towards said body, and said securing prongs terminating at respective  
14 termini for engaging said body,

the coil spring facilitating displaceable suspension of the appendage in relation to the  
16 body, the coil spring further comprising an L-shaped configuration, the post being coaxially  
inserted into a first end of the coil spring, and the post further comprising a barrier for  
18 stopping removal of the coil spring from the post.

11. (previously presented) The kit of Claim 10, wherein said connecting structures are  
2 insertable into said apertures.

12. (withdrawn) A method for constructing a connecting connector, comprising:  
2 producing a post with securing prongs;  
inserting said post into a first end of a connecting member; and  
4 coupling said post to said connecting member.

13. (withdrawn) The method of Claim 12, further comprising coupling a second end of  
2 said connecting member to an appendage.

14. (withdrawn) The method of Claim 13, wherein said connecting member is a coil  
2 spring.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

15. (withdrawn) The method of Claim 14, wherein said connecting member is generally L-shaped.

16. (withdrawn) The method of Claim 15, wherein said coupling the post comprises heating said post to create a barrier such that said connecting member is not easily removable from said post.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the outstanding Office, for disqualifying and withdrawing Weiser et al. (US 6599160) as a cited reference, under 35 U.S.C. § 103(c), and for finding allowable subject matter in Claims 10 and 11. Independent Claims 4 and 10 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. Accordingly, the Applicants respectfully assert that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 U.S.P.Q.2d (BNA) 1865 (Fed. Cir. 2000). Therefore, reconsideration of the present application in light of the foregoing proposed amendment and these remarks is respectfully requested.

**I. Objection to Claims 4 and 10 on the Grounds of Informalities**

Claims 4 and 10 have been objected on the grounds of informalities. Claims 4 and 10 are herein amended to address these informalities by inserting "further" after "post[.]" Thus, the Applicants believe that Claims 4 and 10, as herein amended, overcome these grounds for objection on this basis. Therefore, the Applicants respectfully request that these grounds for objection on this basis be withdrawn and that Claims 4 and 10 be passed to allowance.

**II. Rejection of Claims 4-7 and 9-11, under 35 U.S.C. § 112, second paragraph**

Claims 4-7 and 9-11 have been rejected, under 35 U.S.C. § 112, second paragraph, on the grounds of indefiniteness. The Applicants respectfully traverse the Examiner's grounds for rejection on this basis.

Claim 4 is herein further amended by deleting "a" and instead inserting "the" before "coil spring" and by deleting "for" before "facilitating displaceable suspension of the appendage in relation to the body[.]" Claim 6 has been previously canceled, without prejudice. As such, the Applicants respectfully submit that the Examiner's ground for

## PATENT

U.S. Patent Application Serial No. 10/612,094  
Response to Office Action dated September 11, 2006  
Attorney Docket No. 03-11987

rejection of Claim 6 on this basis has been rendered moot. Claim 10 is herein further amended by deleting "detached" before "novelty portions" and by inserting "a post and" before "a plurality of securing prongs[.]"

Thus, the Applicants believe that Claims 4 and 10, as herein amended, overcome these grounds for rejection on this basis and that Claims 5, 7, 9, and 11 overcome these grounds for rejection by dependency. Therefore, the Applicants respectfully request that these grounds for rejection on this basis be withdrawn and that Claims 4, 5, 7 and 9-11 be passed to allowance.

**III. Rejection of Claims 4 and 9-11 under 35 U.S.C. § 103(a) on the Ground of Higdon (US 5375363), in view of Moore et al. (US 5716161) and Del Mas (US 2760303)**

Claims 4 and 9-11 have been rejected, under 35 U.S.C. § 103(a), as being unparentable over Higdon (US 5375363), in view of Moore et al. (US 5716161) and Del Mas (US 2760303). The Examiner asserts that, with respect to Claim 4, Higdon teaches a body 12, an appendage 16, and a connecting structure 354 and that Moore teaches prongs that extend away from a post 40 and toward a second end of the post 40 to manually install a connecting structure to apertures and quickly remove the connection structure from the apertures without using tools. The Examiner concedes that, in Higdon, "the prongs 364 do not extend away from the post toward a second end of the post" as discussed, *supra* (June 2, 2006, Final Office Action, p. 3). The Examiner has previously conceded that "Del Mas fails to disclose the post comprising prongs flexibly coupled to a first end of the post, and the prongs extending towards the body to terminate at respective termini" (June 2, 2006, Final Office Action, p. 6), but relies on Higdon. The Applicants hereby respectfully traverse these grounds for rejection on this basis.

With respect to Higdon, this reference merely teaches a decoy having a movable neck, the decoy comprising a neck-to-body connector 354 having a pair of flexible ears 364 projecting therefrom and for inserting into a hole 366 of the body 312 (col. 3, l. 67 – col. 4, l. 6). Referring to Figures 3 and 10, Higdon discloses *only two ears* 364 which subtend an *obtuse angle* with the ring structure A2. Further, the term "ears" and the ring structure A2

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

are low aspect ratio elements by their definition and as shown and described throughout the Specification and drawings of Higdon. The Examiner concedes that, in Higdon, "the prongs 364 do not extend away from the post toward a second end of the post" (June 2, 2006, Final Office Action, p. 3).

Regarding Moore, this reference merely teaches a retainer clip having a threaded shank with a T-head embedment molded in a hex nut head for rotatably threading the clip into a support. Moore's retainer clip is a fastener which is necessarily fixedly disposed by virtue of "threading the clip into a support" (Abstract). The very purpose of the Moore invention is for retaining a planar sheet material member, such as automotive trim, to an underlying support, such as an automotive body (col. 1, ll. 6-7). As such, Moore even teaches against the present invention claimed features of "a *displaceably suspended* manner" and "the at least one *flexible connecting member comprising a coil spring*" (Claim 4).

With respect to Del Mas, this reference merely teaches that "Armholes 15 are adapted to receive ... arm stumps comprising plugs 16" (col. 2, ll. 25-28). Further, the term "stumps" are low aspect ratio elements by their definition and as shown and described throughout the Specification and drawings of Del Mas.

Nowhere, in Higdon, even in view of Moore and Del Mas, is any express or even implied suggestion to combine the presently claimed elements of independent Claims 4 and 10. Independent system Claims 4 and 10, as herein amended, recite the following features believed to be patentably distinct from Higdon, even in view of Moore and Del Mas:

4. A novelty system comprising:
  - a body having a plurality of apertures;
  - one or more appendages corresponding to one or more said plurality of apertures and for securement to project *in a displaceably suspended manner* from said body, each said appendage including at least one flexible connecting member, *the at least one flexible connecting member comprising a coil spring*;
  - a connecting structure that secures said one or more appendages to said body, the connecting structure comprising a post with a first end, a middle portion, and a second end, and a plurality of securing prongs flexibly coupled to the first end of said post and adapted to be inserted through said plurality of apertures and retained therein, *said securing prongs extending elastically towards said body to terminate at respective termini for engagement therewith*,

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

*and the plurality of securing prongs extending away from said post and toward the second end of said post, one end of said flexible connecting member connected to said connecting structure and another end connected to said appendage,*

*the coil spring facilitating displaceable suspension of the appendage in relation to the body, the coil spring further comprising an L-shaped configuration, the post being coaxially inserted into a first end of the coil spring, and the post further comprising a barrier for stopping removal of the coil spring from the post.*

10. A kit for constructing a novelty comprising:

a plurality of novelty portions combinable for shipping said novelty in at least a partially unassembled form, said novelty portions comprising a body with apertures for receiving connecting structures, one or more appendages including at least one flexible connecting member comprising a coil spring extending therefrom, and connecting structures for facilitating connection of said appendages to said body by connecting one end of said flexible connecting member to one of said connecting structures and connecting another end to said body,

said one or more appendages being securable upon assembly of said novelty to project in a displaceably suspended manner from said body by operatively connecting said connecting structures with said apertures of said body, each said connecting structure comprising a post and a plurality of securing prongs flexibly coupled to a first end of each said connecting structure to extend towards said body, and said securing prongs terminating at respective termini for engaging said body,

*the coil spring facilitating displaceable suspension of the appendage in relation to the body, the coil spring further comprising an L-shaped configuration, the post being coaxially inserted into a first end of the coil spring, and the post further comprising a barrier for stopping removal of the coil spring from the post.*

The Applicants respectfully submit that the limitation "the coil spring facilitating displaceable suspension of the appendage in relation to the body, the coil spring further comprising an L-shaped configuration, the post being coaxially inserted into a first end of the coil spring, and the post further comprising a barrier for stopping removal of the coil spring from the post" is not taught, motivated, or suggested by the cited references. The fastener of Moore is configured in a manner to achieve exactly the opposite structure from that of the present invention, i.e., Moore's fastener must keep the trim on the car without flopping. The combination of the coil spring features, the displaceable suspension, and the remaining

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

features of the present invention are not suggested or motivated by Higdon, Moore, or Del Mas, individually or together.

Further, the Examiner states, with respect to allowable subject matter found in Claims 10 and 11, that "[t]here is no motivation, absent applicant's own disclosure, to modify Higdon, because there is no requirement to make the coil spring L-shaped" (Office Action, p. 7, para. 1). Herein amended independent Claims 4 and 10 both positively recite that the coil spring further comprises an **L-shaped configuration**.

Thus, the Applicants respectfully submit that Higdon, even in view of Moore and Del Mas, does not teach, motivate, or suggest the limitations of herein amended independent Claims 4 and 10 or those of Claims 9 and 11, by dependency. Therefore, the Applicants respectfully request that these grounds for rejection on this basis be withdrawn and that Claims 4 and 9-11 be passed to allowance.

**IV. Rejection of Claims 5-7 under 35 U.S.C. § 103(a) on the Ground of Higdon (US 5375363), in view of Moore et al. (US 5716161) and Del Mas (US 2760303), as applied to Claims 4 and 9, and in further view of Polk (US 2792022)**

Claims 5-7 have been rejected, under 35 U.S.C. § 103(a), as being unparentable over Higdon (US 5375363), in view of Moore et al. (US 5716161), as applied to Claims 4 and 9, and in further view of Polk (US 2792022). The Examiner concedes that Higdon does not teach that the appendage can be a wing structure, but relies on Weiser for the teaching. The Examiner further concedes that, in Higdon, "the prongs 364 do not extend away from the post toward a second end of the post" as discussed, *supra* (June 2, 2006, Final Office Action, p. 3), but relies on Moore for teaching a "stiff" fastener. The Examiner has previously conceded that "Del Mas fails to disclose the post comprising prongs flexibly coupled to a first end of the post, and the prongs extending towards the body to terminate at respective termini" (June 2, 2006, Final Office Action, p. 6). The Examiner relies on Polk for its teaching of an appendage comprising a wing structure. The Applicants hereby respectfully traverse these grounds for rejection on this basis.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

Claim 5 is has been previously amended to recite: "The novelty system of Claim 4, wherein said one or more appendages comprises a wing structure." Claim 6 is herein canceled, without prejudice, as discussed, *supra*, thereby rendering moot its previous ground for rejection. In light of the previous cancellation of Claim 6, Claim 7 now depends from Claim 4. Claims 5 and 7 further subsume the limitations of herein amended Claim 4 by dependency.

Reiterating, Higdon merely teaches a decoy having a movable neck, the decoy comprising a neck-to-body connector 354 having a pair of flexible ears 364 projecting therefrom and for inserting into a hole 366 of the body 312 (col. 3, l. 67 - col. 4, l. 6). Referring to Figures 3 and 10, Higdon discloses *only two ears* 364 which subtend an *obtuse angle* with the ring structure A2. Further, the term "ears" and the ring structure A2 are low aspect ratio elements by their definition and as shown and described throughout the Specification and drawings of Higdon. The Examiner concedes that, in Higdon, "the prongs 364 do not extend away from the post toward a second end of the post" (June 2, 2006, Final Office Action, p. 3).

As discussed, *supra*, Moore merely teaches a "stiff" retainer clip having a threaded shank with a T-head embedment molded in a hex nut head for rotatably threading the clip into a support. Moore's retainer clip is a fastener which is necessarily *fixedly disposed* by virtue of "threading the clip into a support" (Abstract). The very purpose of the Moore invention is for retaining a planar sheet material member, such as automotive trim, to an underlying support, such as an automotive body (col. 1, ll. 6-7). As such, Moore even teaches against the present invention claimed features of "a *displaceably suspended manner*" and "the at least one *flexible connecting member comprising a coil spring*" (Claim 4).

With respect to Del Mas, this reference merely teaches that "Armholes 15 are adapted to receive ... arm stumps comprising plugs 16" (col. 2, ll. 25-28). Further, the term "stumps" are low aspect ratio elements by their definition and as shown and described throughout the Specification and drawings of Del Mas.

Regarding Polk, the Applicants respectfully submit that this reference merely teaches a toy bird having wings being connected by a *linear fastener* (Figs. 1-9). Higdon, even in view



## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

of Moore and Del Mas, and even in further view of Polk, does not teach, suggest, or motivate the presently claimed coil spring being disposed around a post. Polk actually teaches that "the inner end of the wing 11 is provided with a slot 30 in which a spring 31 is positioned[;] and the wing 12 is provided with a similar slot 32 in which a spring 33 is positioned" (col. 2, ll. 43-46; Fig. 5). As such, the linear spring member of Polk is actually disposed in a slot.

The Applicants respectfully resubmit that the limitation "the coil spring facilitating displaceable suspension of the appendage in relation to the body, **the coil spring further comprising an L-shaped configuration**, the post being coaxially inserted into a first end of the coil spring, and the post further comprising a barrier for stopping removal of the coil spring from the post" is not taught, motivated, or suggested by the cited references.

Reiterating, the Examiner states, with respect to allowable subject matter found in Claims 10 and 11, that "[t]here is no motivation, absent applicant's own disclosure, to modify Higdon, because there is no requirement to make the coil spring L-shaped" (Office Action, p. 7, para. 1). Herein amended independent Claim 4 positively recites that the coil spring further comprises an **L-shaped configuration**. As such, Claims 5 and 7 subsume this limitation by dependency.

Thus, the Applicants respectfully submit that Higdon, even in view of Moore and Del Mas, and even in further view of Polk, does not teach, motivate, nor suggest the limitations of previously presented Claims 5 and 7. Therefore, the Applicants respectfully request that these grounds for rejection on this basis be withdrawn and that Claims 5 and 7 be passed to allowance.

#### IV. Allowable Subject Matter in Claims 10 and 11

Claims 10 and 11 have been found to be allowable if rewritten to overcome the objection on the grounds of informalities as well as the rejection of the claims under 35 U.S.C. § 112, second paragraph. The Applicants hereby reiterate their thanks for the finding of allowable subject matter.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

Claim 10 is herein amended, as discussed, supra. Claim 11 has been previously presented and recites: "The kit of Claim 10, wherein said connecting structures are insertable into said apertures."

Thus, the Applicants respectfully submit that herein amended Claim 10 overcomes the objection on the grounds of informalities as well as the rejection of the claims under 35 U.S.C. § 112, second paragraph. Therefore, the Applicants respectfully request that Claims 10 and 11 be passed to allowance.

## PATENT

U.S. Patent Application Serial No. 10/612,094

Response to Office Action dated September 11, 2006

Attorney Docket No. 03-11987

CONCLUSION

Accordingly, independent Claims 4 and 10 are herein amended to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the claims would have been allowable as originally filed. The Applicants respectfully reassert that no claims have been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 234 F.3d 558, 56 U.S.P.Q.2d (BNA) 1865 (Fed. Cir. 2000). Therefore, reconsideration of the present application in light of the foregoing proposed amendment and these remarks is respectfully requested. *The Examiner is further cordially invited to telephone the undersigned for any reason which would advance pending Claims 4, 5, 7, and 9-11 to allowance.*

Respectfully submitted,  
CISLO & THOMAS LLP

Date: \_\_\_\_\_

\_\_\_\_\_  
Daniel M. Cislo  
Reg. No. 32,973

DMC/MLD:sc

Enclosure: Request for Telephonic Interview

CISLO & THOMAS LLP  
233 Wilshire Boulevard, Suite 900  
Santa Monica, California 90401  
Tel: (310) 451-0647  
Fax: (310) 394-4477  
[www.cislo.com](http://www.cislo.com)

c:\documents and settings\mym\my documents\03-11987 response to office action on rce (rev 20060929).doc